

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

S2 05 CR 254 (KMW)

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DATE FILED: 6/8/06

Plaintiff,

-against-

ORDER

KEVIN O. KELLEY,

Defendant.

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WOOD, D.J.:

After receipt of the jury verdict finding Defendant guilty on all seven counts in the Indictment, the Court found on the record yesterday that the Defendant must be detained, pursuant to T. 18 U.S.C. § 3143(a), because the Court finds that there is a lack of clear and convincing evidence that the Defendant is not likely to flee, or that he does not pose a danger to the safety of any other person or the community if released under § 3142(b) or (c). The Court hereby supplements its findings.

The Defendant has a strong incentive to flee, because he likely faces a minimum of twelve years in prison. He is unlikely to prevail on appeal because the evidence of his crimes introduced at trial, is very substantial. The Defendant has the ability to flee, because he has sufficient wealth to do so, including unexplained sources of income and/or person(s) willing to finance his living expenses (according to defense counsel, a

man named Nicholas Adamson has permitted Defendant and his family to live free of charge for the past ten months in a house that rents at \$17,000 a month). The Defendant is unlikely to be constrained by any law or promise he makes: (1) he continues to contend that he violated no law, notwithstanding the very substantial evidence against him; (2) he committed perjury at trial denying that he defrauded others.

The Defendant also poses a danger to the safety of others. He has shown a propensity to defraud others for his own pecuniary gain, and not only refuses to acknowledge his crimes, but also committed perjury at trial concerning his criminal conduct.

SO ORDERED.

DATED: New York, N.Y.
June 8, 2006

Kimba M. Wood
KIMBA M. WOOD
United States District Judge